



New South Wales

# Electricity Infrastructure Investment Amendment Regulation 2025

under the

Electricity Infrastructure Investment Act 2020

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Electricity Infrastructure Investment Act 2020*.

PENNY SHARPE, MLC  
Minister for Energy

## Explanatory note

The object of this regulation is to amend the *Electricity Infrastructure Investment Regulation 2021* to—

- (a) broaden the matters the consumer trustee must consider when assessing a tender bid for a long-term energy service agreement for firming infrastructure or long-duration storage infrastructure to include the following—
  - (i) how the proposed infrastructure to be supported under the agreement will support the reliability of electricity supply in the NSW region,
  - (ii) if the tender bid includes a claim that the construction of the infrastructure proposed to be supported under the agreement will avoid or defer costs of projected regulated investment in the network—the potential of the construction to avoid or defer the costs, and
- (b) provide that if the Energy Corporation is appointed as the infrastructure planner for a renewable energy zone to which an access scheme applies, the Energy Corporation has, in addition to its other functions as the infrastructure planner for the renewable energy zone, the function of coordinating the construction of generation, storage and network infrastructure in the renewable energy zone.

## **Electricity Infrastructure Investment Amendment Regulation 2025**

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### **1 Name of regulation**

This regulation is the *Electricity Infrastructure Investment Amendment Regulation 2025*.

### **2 Commencement**

This regulation commences on the day on which this regulation is published on the NSW legislation website.

## Schedule 1 Amendment of Electricity Infrastructure Investment Regulation 2021

### [1] Clause 26 Tendering for LTES agreements—the Act, s 47(3)(a)

Insert after clause 26(4)—

- (4A) When assessing a tender bid for an LTES agreement for firming infrastructure or long-duration storage infrastructure, the consumer trustee must also consider the following—
- (a) how the proposed infrastructure to be supported under the agreement will support the reliability of electricity supply in the NSW region, assuming the following—
    - (i) that each relevant NSW generating unit will close during the 2034 objective investment period,
    - (ii) the weather is consistent with a historical year the consumer trustee considers to be a year in which a lull in variable renewable energy sources likely contributed most to unserved energy,
  - (b) if the tender bid includes a claim that the construction of the infrastructure proposed to be supported under the agreement will avoid or defer costs of projected regulated investment in the network—the potential of the construction to avoid or defer the costs, having regard to—
    - (i) information included in the tender bid, and
    - (ii) other publicly available information the consumer trustee considers appropriate to consider the claim.

### [2] Clause 26(6)

Insert in alphabetical order—

***expected closure year***, for a generating unit, means the year notified to the AEMO under the *National Electricity Rules*, rule 2.1B.3 as the year in which it is expected that the unit will cease supplying electricity to the transmission network or distribution network at its connection point.

***generating unit*** has the same meaning as in the *National Electricity Rules*.

***relevant NSW generating unit*** means a generating unit that—

- (a) is located in the New South Wales region, and
- (b) has a maximum generation capacity of 200 megawatts or more, and
- (c) as at 31 March 2025—for which the expected closure year is 2040 or earlier.

***unserved energy*** has the same meaning as in the *National Electricity Rules*.

### [3] Clause 42D Functions of infrastructure planner—particular renewable energy zones—the Act, s 63(4)(d)

Omit clause 42D(1) and (2). Insert instead—

- (1) This clause applies if—
  - (a) the Energy Corporation is appointed as the infrastructure planner for a renewable energy zone, and
  - (b) the Minister has declared, in accordance with the Act, section 24(1), the access scheme that applies in the renewable energy zone or part of the renewable energy zone.

- (2) The infrastructure planner for a renewable energy zone to which an access scheme applies has the following functions—
- (a) to coordinate the construction of generation, storage and network infrastructure in the renewable energy zone,
  - (b) if the declaration specifies that the scheme financial vehicle is, in relation to the access scheme, liable to pay the infrastructure planner the component of fees payable under the Act, section 26 to be held for use for a community purpose or an employment purpose—
    - (i) to administer, manage and make payments of money held for use for a community purpose or employment purpose, and
    - (ii) to make guidelines about the administration, management and payment of money under this clause.

**Note—** See the *Energy and Utilities Administration Act 1987*, section 35, which establishes the Energy Administration Account.